

REMARKS

Claims 1-20 are pending in the present Application. Claims 13-20 have been canceled, claims 1, 2, 5-8, 10 and 11 have been amended, leaving Claims 1-12 for consideration upon entry of the present Amendment. The Specification has been amended to correct certain typographical errors, as explained in detail below. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claims 13-20 have been cancelled in response to a restriction requirement presented during a phone conversation with the Examiner on December 29, 2008. The Applicant respectfully submits that in cancelling the claims, the Applicant does not represent that the non-elected claims are unpatentable. In addition, the Applicant reserves the right to represent claims 13-20 in a divisional application.

The specification has been amended to address certain typographical errors identified by the Examiner. More specifically, on page 8 of the specification, the term N_A was replaced with the term N_1 , support for which can be found in the figures filed with the application. In addition, on pages 10 and 11 of the application, the term D_A was replaced with the Term D, support for which can also be found in the figures. The Applicant respectfully submits that the above amendments to the specification should also address the Examiner's concerns regarding the drawings. In addition, the use of the term cavities on page 7, line 15, and page 9, line 2, and in claims 1, 2, 8, 10, 11 was amended to read protuberances in order to correct minor typographical errors. Reference number 12 was added, where appropriate on page 7 and reference numbers 18 and 20 added where is appropriate on page 8. Finally, appropriate headers were added to the specification and the Abstract was amended to address the Examiner's concerns raised on page 7 of the Office Action.

The claims have been amended to address the Examiners concerns regarding the use of reference characters. More specifically, all reference characters in the claims are now enclosed by brackets.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 2, 5, 6, 8 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the invention. In order to address the Examiner's concerns, claim 1 has been amended to delete the phrase "such as tissue paper". In addition, claim 1, has been amended to replace the use of the term N_A with N_1 . Claim 1 has also been amended to replace the term "presenting" with "representing". Finally, claims 5-8, 10 and 11 have been amended to replace the term "cavity" with the term "protuberance". The Applicant respectfully submits that the above claim amendments address each of the Examiner's concerns outlined on pages 10 and 11 of the Office Action.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-8 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Edwards et al (U.S. Patent No. 6,511,579) in view of Merriam-Webster's Online dictionary. This rejection is respectfully traversed.

In general, claim 1, as amended is directed to a sheet comprising at least a first ply P_1 and a second ply P_2 superimposed on each other and made of absorbent paper, each ply having a grammage of between 10 and 40 g/m², the first said ply presenting on its outer side cavities formed by embossing, corresponding to protuberances on its other side adjacent to the second ply, characterized in that the first ply P_1 comprises first zones A_1 forming cells with some first cavities (12), the cells being surrounded by second zones A_2 with second cavities (18), the first zones A_1 being in relief on the outer side in relation to the second zones A_2 with a level difference N_1 , the first zones A_1 representing a contour D formed by a marking line.

In rejecting claim 1, the Examiner relies upon Edwards. The Examiner argues that Edwards teaches a multi-ply tissue product including protuberances of a first ply being adjacent to indentations on a second ply. In support of this argument, the Examiner relies upon FIGS 21 b-1-21-b-3. Initially, it should be noted that each of the Figures referenced by the Examiner illustrates a single ply paper. Secondly, while Edwards discusses that one and two ply products are preferred

products of the present invention in col 27, line 43-45, there is simply no teaching to arranging protuberances in the manner required by claim 1. That is, in Edwards, there is a micro pattern including male elements (protuberances) alternating with female elements (cavities) (dim 11, 12, 13 in FIG 21-C-3, and a macro pattern made up of female elements only (dim 14, 15, 16, 17 and 19) that result in a one-ply structure. At no point in Edwards is there any teaching to forming protuberances that are adjacent to a second ply, i.e., the protuberances are not visible, and each ply is embossed according to a pattern of cavities on one side corresponding to protuberances on the other side.

Claim 1 further requires that the first ply include zones A_1 forming cells with some first protuberances, the cells being surrounded by second zones A_2 with second protuberances, the first zones A_1 being in relief, e.g., raised, on the outer side in relation to the second zones A_2 with a level difference N_1 . The first zones A_1 representing a contour D formed by a marking line. This is simply not found in Edwards. Even, in Edwards, if we consider the diamonds being the first zone and the circles being the second zone, there is no difference between the levels of each zone. More specifically, the diamonds are not in relief relative to the circles, they are on the same level. That is, the diamond and circles in FIG. 21-c-1 are referred to as in mid plane. The mid plane of the diamond cell is the same as the mid plane as the surrounding cell. See col 25, lines 21-45.

Regarding claim 2, the Examiner argues that Edwards teaches that the female elements have a lesser depth than female elements of a difference embossing pattern. The Applicant respectfully submits that claim 2 requires that the depth of the first protuberances is at the most equal to the depth of the second protuberances plus the level difference N_1 . As noted above, even if we consider the diamonds being the first zone and the circles being the second zone, there is no difference between the levels of each zone. That is, the diamonds are not in relief relative to the circles, they are on the same level. The diamond and circles in FIG. 21-c-1 are referred to as in mid plane. The mid plane of the diamond cell is the same as the mid plane as the surrounding cell. See col 25, lines 21-45. Accordingly, the diamonds are not at a depth at most equal to the depth of the circles plus the level difference as required by claim 2.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 10-12 stands rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Edwards et al. in view of Roussel et al. (U.S. Patent No. 6,524,683). This rejection is respectfully traversed. Claim 10 depends from claim 8 and further requires that the second ply P₂ is embossed and presents protuberances, the two plies P₁, P₂ being in contact through the tops of the protuberances corresponding to the second protuberances and/or the tops of the third protuberances. In rejecting claim 10, the Examiner relies upon Roussel et al. which teaches a two ply tissue sheet that is joined through abutting portions of protuberances on each ply. However, it should be noted that claim 10 requires that there be at first, second and third protuberances with the first and second protuberances being in relief i.e., on different planes. Moreover, the first and third protuberances are arranged in a first zone and the second protuberances are arranged in a second zone. Claim 10 requires that the sheet be joined through the tops of the second and/or third protuberances. In contrast, Roussel et al. teaches that the tops of the protuberances are coplanar (see Figs 2, 4, 6 and 7). There is simply no teaching in the combination presented by the Examiner to a two ply sheet, with the plies being joined through tops of select ones of the protuberances leaving others of the protuberances not in contact. Accordingly, the references when taken singly or in combination fail to support a prima facie case of obviousness.

Claim 11 requires that the plies be bonded through at least one application of glue on the top of the second protuberances and/or the third protuberances. As noted above, none of the references, when taken singly or in combination teach first, second and third protuberances, let alone joining only second and/or third protuberances with an adhesive. Similarly, claim 12 requires that the first protuberances not be glued. Initially, it is important to note that claim 12 depends from claim 11. Thus claim 12 requires that the second and/or third protuberances be glued while the first protuberances remain unglued. As noted above, none of the prior art, when taken singly or in combination, teaches three sets of protuberances, with one of the three sets being one a different plane (in relief) from the other two sets and further requiring bonding two sheets by gluing the tops of the second and/or third sets of protuberances while ensuring that the tops of the first set or protuberances remain un-bonded (un-glued).

Based on the above remarks, amendments to the specification, and amendments to the claims, the Applicant respectfully submits that the present invention is patentably defined over the prior art of record such that allowance of all claims and the passage of the application to issue are respectfully requested. It the Examiner should have any additional questions or concerns, he is cordially invited to contact the undersigned at the number provided below.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: /Victor Kernus/
Victor Kernus
Registration No. 50,146
CANTOR COLBURN LLP
1800 Diagonal Road, Suite 510
Alexandria, VA 22314
Telephone (703) 236-4500
Facsimile (703) 236-4501
Customer No.: 31743

Date: May 6, 2009